

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.41227 of 2008

1. BIRENDRA SINGH @ BIRENDRA YADAV, S/o Shri Sahdeo Yadav,
2. Hare Ram Singh @ Hare Ram Yadav, S/o Sahdeo Singh @ Bhola and
3. Surendra Singh, S/o Late Mahadeo Yadav, All residents of Village – Raghunipur, P.S. Udwant Nagar, Distt. Bhojpur (Arrah)

Versus

STATE OF BIHAR

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2. 03.12.2008. Heard.

The first information report, lodged on 7<sup>th</sup> July, 2005, records an information pertaining to death of an unknown person by bullet injury, said to have been caused by unknown persons. The post mortem of the dead body did not suggest that the dead body sustained any fire-arm injury.

A complaint was filed wherein it was alleged that the husband of the complainant, Sanjay Yadav, went with Surendra Singh to attend to a Tilak ceremony of the daughter of Surendra Singh on 10<sup>th</sup> July, 2005 and since then he is not traceable. This complaint was directed to be registered as a first information report.

Police investigated both the F.I.Rs. together and, in course of investigation, tried to ascertain whether Surendra Singh may be involved with the death reported on 7<sup>th</sup> July,

2005. Police filed a report in final form at the end of such investigation. The investigation about the whereabouts of Sanjay Yadav and investigation pertaining to death of the person, who was reported dead on 7<sup>th</sup> July, 2005, are still pending. In course of such investigation, the complainant, Ashoka Devi, wife of Sanjay Yadav, has recorded statement under Section 164 of the Code of Criminal Procedure where she has stated that, in fact, in the company of Surendra Yadav and others including the petitioner, Sanjay Yadav left home on 6<sup>th</sup> July, 2005 and his dead body was recovered on 7<sup>th</sup> July, 2005.

Considering the matters, as above, the application of the petitioner for grant of anticipatory bail is allowed.

In the event of arrest or surrender of the petitioners within six weeks from today, let the petitioners, namely, Birendra Singh @ Birendra Yadav, Hare Ram Singh @ Hare Ram Yadav and Surendra Singh be released on bail on their furnishing bonds in the sum of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur at Arrah, in connection with Jagdishpur P.S. Case No. 143 of

2005, subject to the conditions as laid down under Section  
438(2) of the Criminal Procedure Code.

( Barin Ghosh, J. )

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